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Practitioner's Docket No. 2002-1495.ORI

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ronald D. Matich  
Serial No.: 10/052,532  
Filed: January 18, 2002  
For: Face Mask With Seal And Neutralizer  
Examiner: Patel, Mital B.  
Group No.: 3743  
Confirmation No.: 3231

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Special Program Examiner For 3743

Petition To Make Special  
On Basis Of Contributing To Countering Terrorism

37 CFR 1.102(c) provides as follows:

(c) A petition to make an application special may be filed without a fee if the basis for the petition is:

- (1) The applicant's age or health; or
- (2) That the invention will materially:
  - (i) Enhance the quality of the environment;
  - (ii) Contribute to the development or conservation of energy resources; or
  - (iii) Contribute to countering terrorism.

As to countering terrorism, MPEP 708.02 provides as follows:

## XI. INVENTIONS FOR COUNTERING TERRORISM

In view of the importance of developing technologies for countering terrorism and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to counter-terrorism inventions.

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to

I hereby certify that this correspondence and the documents referred to as enclosed therein are being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 27, 2005 to 1-703-872-9306 by applicant's attorney, Robert J. Jacobson.

  
Robert J. Jacobson

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affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

It is respectfully submitted that the petition fee, mentioned above in MPEP 708.02, is not required pursuant to 37 CFR 1.102(c).

As to the formal requirements of a petition to make special, MPEP 708.02 provides as follows:

Any petition to make special should:

- (A) be in writing; and
- (B) identify the application by application number and filing date.

As to who decides the petitions to make special, MPEP 708.02 provides as follows:

Petitions to make special are decided by the Special Program Examiner of the TC to which the application is assigned.

As to any fee, MPEP 708.02 provides as follows:

No fee is required with such a petition. See 37 CFR 1.102(c).

Statement Explaining How The Invention Contributes To Countering Terrorism

Applicant hereby petitions to make this application special because applicant's invention will materially contribute toward countering terrorism. Applicant's specification filed January 18, 2002 speaks for itself.

Applicant's specification (on page 1) teaches the following:

The auto body repairman knows best. He or she best knows that the man on the street has little or no chance of surviving bioterrorism. He or she best knows the commuter has little chance against a sarin attack in a subway. He or she best knows that the college football game spectator maximizes his or her chances at survival by madly rushing to an exit--instead of politely waiting for the deadly rain--when the stadium is attacked with crop dusters.

How does the auto body repairman know best? Because when finished painting a car, he or she looks in the mirror and

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examines and picks at the ring of paint that encircles his or her nostrils and mouth. This ring of paint means that the face mask--whether a common paper face mask or technically complex gas mask--is ineffective. This ring of paint means that paint particles and paint vapor have been merely slowed down--with some paint particles drying and forming the ring as they are slowed down--and have not been stopped, but instead have passed between the periphery of the face mask and the skin of the face and have entered his or her nostrils, mouth, throat and lungs.

Applicant's specification (on pages 4-5) teaches the following:

An advantage of the present invention is that a positive and relatively permanent seal is formed. A feature that contributes to this advantage is the aggressive skin unfriendly seal. Violent movement of the mouth such as yelling orders, yelling for an ambulance, yelling for your children and spouse is less likely to disengage an aggressive seal from the yeller's face. A jarring of the mask, such as a bumping into another person's head or back in a smoke filled staircase, is less likely to disengage an aggressive seal.

Another advantage of the present invention is that a seal is obtained quickly. A feature that contributes to this advantage is the aggressive skin unfriendly seal. The time that it takes to read this sentence is the time that a subway rider may have to put on a mask. Cleaning one's face is out of the question. A seal with an aggressive adhesive cuts through oil and dirt. A seal with an aggressive adhesive cuts through blackened skin colored by an explosion.

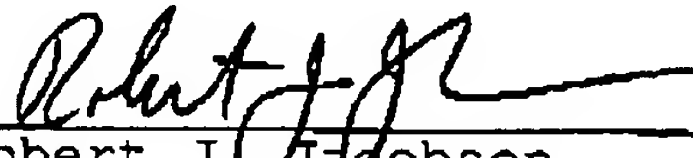
Another advantage of the present invention is that the periphery about the face mask is no longer the path of least resistance to air; air must now pass through the face mask where the face mask is structured to permit the air to pass. Accordingly, since the route of passage of air is now controlled, a neutralizer may be placed at the controlled entrance. Hence, the chances are maximized that 100% of the air that is breathed is neutralized.

Another advantage of the present invention is that the face mask is inexpensive. A feature that contributes to this advantage is that the face mask may be formed of paper or of a plastic. Since the face mask is inexpensive, the face mask may be made available to a greater number of people. Since the face mask is inexpensive, one person may carry or store multiple masks for use by himself or herself or for use by other people.

Respectfully submitted,

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